

## REMARKS

Claims 1-5 were pending and under consideration.

In the FINAL Office Action of May 20, 2003, Claims 1-2 were rejected.

In response, claim 1 has been amended. Claims 3-5 have been cancelled. Applicant asserts that no new matter has been added. Support for amended claim 1 can be found on page 14 of the specification.

### § 102(e) Rejections:

Claims 1-2 are rejected under 35 U.S.C. § 102(e) as being anticipated by Dahn et al. (US Patent No.: 6,168,887 B1). Applicant respectfully traverses this rejection.

Claim 1 recites a non-aqueous electrolyte cell comprising: a positive electrode containing a lithium-transition metal compound oxide as a positive electrode active material; a negative electrode containing a carbon compound or metal lithium as a negative electrode active material; and a non-aqueous electrolyte interposed between said positive and negative electrodes; wherein said lithium-transition metal compound oxide is represented by the general formula  $\text{Li}_x\text{Mn}_{1-y}\text{Al}_y\text{O}_2$  where  $0.94 \leq x \leq 0.96$  and  $0.06 \leq y \leq 0.25$  wherein said electrolyte is dissolved in a non-aqueous solvent and exists as a non-aqueous electrolyte and is selected from the group consisting of  $\text{LiClO}_4$ ,  $\text{LiAsF}_6$ ,  $\text{LiPF}_6$ ,  $\text{LiBF}_4$ ,  $\text{LiB}(\text{C}_6\text{H}_5)_4$ ,  $\text{CH}_3\text{SO}_3\text{Li}$ ,  $\text{CF}_3\text{SO}_3\text{Li}$ ,  $\text{LiCl}$  and  $\text{LiBr}$ ; and wherein said solvent is selected from the group consisting of propylene carbonate, ethylene carbonate, dimethyl carbonate, 1,2-dimethoxyethane, 1,2-diethoxyethane,  $\gamma$ -butyrolactone, 2-methyl tetrahydrofuran, 1, 3-dioxolane, 4-methyl-1, 3-dioxolan, 4-methyl-1, 3-dioxolan, diethyl ether, sulforane, methyl sulforane, acetonitrile, propionitrile, anisole, acetic acid ester, lactic acid ester and propionic acid ester; wherein the method for producing the positive electrode comprising: mixing a manganese starting material,  $\gamma\text{-MnO}_2$ , a lithium starting material,  $\text{Li}_2\text{CO}_3$ , and an aluminum starting material  $\text{Al}(\text{OH})_3$  to form a powder mixture; and heating said powder mixture in air at a temperature rising rate of  $10^\circ\text{C}/\text{min}$  to  $1000^\circ\text{C}$ .

In contrast, Dahn discloses that  $Mn_2O_3$ ,  $Li_2CO_3$ ,  $Co_3O_4$  and  $Na_2CO_3$  as starting materials. It does not, however, teach mixing a manganese starting material,  $\gamma-MnO_2$ , a lithium starting material,  $Li_2CO_3$ , and an aluminum starting material  $Al(OH)_3$  to form a powder mixture and heating said powder mixture in air at a temperature rising rate of  $10^\circ C/min$  to  $1000^\circ C$ .

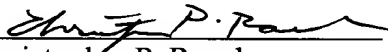
Accordingly, Applicant submits that the claimed invention is not anticipated by the cited references as suggested by the Examiner. Applicants respectfully submit this rejection has been overcome and request that it be withdrawn.

Claim 2 depends directly from claim 1 and is therefore allowable for at least the same reason that claim 1 is allowable.

In view of the foregoing, it is submitted that the pending claims 1-2 are patentable over the references cited by the Examiner. Further, all of the Examiner's rejection has been addressed herein. It is, therefore, submitted that the application is in condition for allowance. Notice to that effect is respectfully requested.

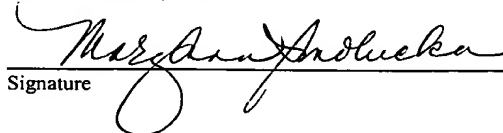
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